

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) **BILLY D. “RUSTY” RHOADES**
 III, an individual;
 (2) **MEGAN L. SIMPSON**, an
 individual; and
 (3) **MICHAEL S. HARRELL**, an individual,

Plaintiffs,

v.

(1) **THE STATE OF OKLAHOMA**, *ex rel.*
GOVERNOR KEVIN STITT;
 (2) **THE STATE OF OKLAHOMA**, *ex rel.*
THE DEPARTMENT OF PUBLIC
SAFETY;
 (3) **KEVIN STITT**, an individual;
 (4) **CHIP KEATING**, an individual;
 (5) **JASON NELSON**, an individual; and
 (6) **JOE CLARO**, an individual,

Defendants.

Case No. CIV-20-761-R

PLAINTIFFS’ OBJECTION TO DEFENDANTS’ EXHIBIT LIST

Pursuant to the Court’s Scheduling Order, Plaintiffs, Billy D. “Rusty” Rhoades III, Megan L. Simpson, and Michael S. Harrell (collectively, “Plaintiffs”) respectfully object to Defendants’ Final Exhibit List (Doc. No. 61) as follows.

PLAINTIFFS’ OBJECTIONS TO DEFENDANTS’ EXHIBIT LIST

Exhibit No.	Exhibit	Objection
1.	Harrell 2018-2021 Federal and State Tax Returns, W-2s, 1099s (produced without Bates number)	

2.	Rhoades 2018-2021 Federal and State Tax Returns, W-2s, 1099s (produced without Bates number)	
3.	Simpson 2018-2021 Federal and State Tax Returns, W-2s, 1099s (produced without Bates number)	
4.	Harrell's statement re job searches prior to May 2022 (produced without Bates number)	
5.	Resume of Michael Harrell (new version produced without Bates number)	
6.	Resume of Rusty Rhoades (new version produced without Bates number)	
7.	Resume of Megan Simpson (produced without Bates number)	
8.	Rhoades emails re job applications (produced without Bates number)	
9.	Rhoades' statement re job searches (produced without Bates number)	
10.	Simpson's statement re job searches (produced without Bates number)	
11.	04/25/2020 Email from Lynelle Klein to Simpson re Background Check	
12.	09/13/2019 Email from Stephanie Dodd to Simpson re link to continuing healthcare coverage	
13.	09/23/2019 Emails btw Stephanie Dodd and Simpson re Annual leave payment	
14.	11/18/2020 Emails btw Patrick Mays and Simpson re ADC request re Harrell clearance	
15.	10/29/2018 Simpson Memo to Rhoades re Employment recommendation re Commissioner's Inquiry	

16.	Rhoades' Retirement Amounts and Calculations	
17.	Rhoades' Application to Braums	
18.	Resume of Rusty Rhoades	
19.	07/2021 emails btw Rhoades, Harrell and Duane Michael re calculations/salary if separation did not occur on 9/2/2019	
20.	9/25/2019 Rhoades email to Jason Bivens and associated thread	
21.	2021 Monthly Insurance Premiums	
22.	OLERS Calculation Worksheet for Harrell	
23.	OLERS Calculation Worksheet for Rhoades	
24.	FY 2019-Q3 OMES Info Services Quarterly Report	
25.	Harrell letters and emails re job searches 11/01/2019-03/14/2022	
26.	Michael Harrell job application with ABF Freight	
27.	Resume of Michael Harrell	
28.	03/22/2020 Independent Contract Agreement btw Harrell and ADC Ltd	
29.	09/02/2019 Stitt delegation to Jason Nelson to effectuate the resignation, retirement or termination of Rhoades, Simpson, and Harrell	
30.	09/05/2019 Rhoades letter confirming retirement	
31.	09/05/2019 Memo to HR re Rhoades retirement	

32.	08/26/2019 Keating/Rhoades emails re REAL ID	
33.	04/11/2019 emails btw Keating, Simpson re Real ID	
34.	Calendar invite for meeting between Keating, Rhoades, Junk on 07/08/2019	
35.	Calendar invite for meeting between Keating, Rhoades, Nelson on 07/11/2019	
36.	08/17/2019 Keating email to Plaintiffs' re need for list of active/pending investigations on internal personnel matters re German	
37.	Calendar invite for Real ID meeting with Governor on 08/21/2019	
38.	08/27/2019 emails re Real ID town hall meeting	
39.	8/27/2019 Email from Rusty Rhoades re Personnel Changes	
40.	04/18/2019 email from OMES re Real ID	
41.	04/16/2019 emails between DPS and OMES re Real ID Compliance	
42.	10/5/2019 Email from Keating to various recipients and associated thread	
43.	10/02/2019 DHS letter to Stitt grating Real ID extension	
44.	"Joint TSA Press Conference Wed. Nov. 6" brief	
45.	10/3/2019 Email from Keating to various recipients	
46.	8/28/2019 Email from Nelson to Zachary Parker and associated thread	

47.	8/17/2019 Email from Keating to unknown recipients	
48.	Wed Sept. 4, 2019 Notes	Fed. R. Evid. 901 Relevance Fed. R. Evid. 801-802 Hearsay
49.	9/5/2019 Rhoades' letter confirming retirement and notice of personnel action	
50.	9/11/2019 Simpson's notice of personnel action	
51.	9/5/2019 Harrell's letter confirming retirement and notice of personnel action	
52.	09/04/2019 Michael Harrell letter confirming retirement	
53.	8/27/2019 Email from Bo Reese to multiple recipients and associated thread	
54.	08/17/2019 Rhonda Larson email to Nelson with Real ID project notes	
55.	08/31/2019 Nelson email and talking points re termination of Plaintiffs	
56.	4/11/2019 Email from Keating to multiple recipients and associated thread	
57.	8/26/2019 Calendar Invite from Rusty Rhoades	
58.	7/30/2019 Calendar invite from Angela Finley-Todd	
59.	7/2/2019 Calendar invite from Kevin Stitt	
60.	6/5/2019 Email from Rhoades to multiple recipients and associated thread	
61.	7/8/2019 Email from Rhoades to Simpson and attachment	

62.	9/2/2019 Email from Megan Simpson to Chris Kannady and associated thread and attachment	
63.	2/16/2019 Email from Simpson to multiple recipients and associated thread	
64.	9/2/2019 Email from Simpson to Kannady and associated thread	
65.	06/18/2019 Simpson email and notice re Tipton amended suspension with pay	
66.	9/2/2019 Email from Simpson to her personal account	
67.	5/23/2019 Email from Rhoades to Simpson and associated thread	
68.	6/3/2019 Email from Harrell to Simpson and associated thread	
69.	02/19/2019 DPS Statement on grand jury indictment of Troy German	
70.	7/23/2019 Calendar invite from Kevin Stitt	
71.	8/7/2019 Email from Rhoades to Donelle Harder and associated thread and attachments	
72.	12/12/2018 Offer letter to Rhoades	
73.	07/01/2019 Emails between Governor's office and Rhoades confirming meeting attendance on 07/02/2019	
74.	7/1/2019 Email from Rhoades to Cindy Carpenter and associated thread	
75.	06/28/2019 German notification of retirement	Fed. R. Evid. 801-802 Hearsay Not proper exhibit, unless for impeachment.
76.	09/13/2022 Declaration of David Prater	Fed. R. Evid. 801-802 Hearsay Not proper exhibit, unless for impeachment.

77.	9/1/2019 Declaration of Jeff Hankins	Fed. R. Evid. 801-802 Hearsay Not proper exhibit, unless for impeachment.
78.	9/8/2019 Declaration of John Budd	Fed. R. Evid. 801-802 Hearsay Not proper exhibit, unless for impeachment.
79.	9/16/2019 Declaration of Sheridan O'Neal	Fed. R. Evid. 801-802 Hearsay Not proper exhibit, unless for impeachment.
80.	8/17/2019 Email from Keating to multiple recipients	
81.	4/12/2019 Email from Rhoades to Gerald Davidson and associated thread	
82.	6/4/2019 Email from Ostrowe to multiple recipients and associated thread	
83.	5/22/2019 Letter from Department of Homeland Security to Governor Stitt	
84.	8/30/2019 Email from Rhoades to Keating and associated thread	
85.	3/3/2019 Email from Simpson to Harrell and associated thread	
86.	Docket sheet of <i>State of Oklahoma v. Troy D. German</i> , Oklahoma County Case No. CF-2019-967	Fed. R. Evid. 401-402 Relevance
87.	10/5/2022 Declaration of David Ostrowe	Fed. R. Evid. 801-802 Hearsay Not proper exhibition less for impeachment.
88.	10/27/2022 Declaration of Paul Christian	Fed. R. Evid. 801-802 Hearsay Not proper exhibition less for impeachment.
89.	10/18/2022 Declaration of Duane Michael	Fed. R. Evid. 801-802 Hearsay Not proper exhibition less for impeachment.
90.	8/3/2018 Email from Michael McNutt to Rhoades and associated attachment	

91.	8/7/2018 Press Release from Governor Fallin	
92.	6/28/2019 Email from Simpson to Rhoades and associated attachment	
93.	Notices of Suspensions with Pay for Tipton and McCoy	
94.	News Article – Oklahoma receives Real ID extension through October 2019	Fed. R. Evid. 801-802 Hearsay
95.	News Article – Indicted OHP Trooper to Retire After State Dismissed Blackmail Charge	Fed. R. Evid. 801-802 Hearsay
96.	<i>German v. Rhoades, et al.</i> , USDC, Western District of Oklahoma Case No. CIV-19-751 docket sheet	Fed. R. Evid. 801-802 Relevance
97.	Transcripts of three (3) audio recordings on 09/02/2019 between Jason Nelson and Harrell/Rhoades/Simpson	Fed. R. Evid. 901 Authentication
98.	12/14/2018 Stitt tweet re appointment of Rhoades as Commissioner	
99.	Original Complaint in <i>German v. Rhoades, et al.</i> , USDC, Western District of Oklahoma Case No. CIV-19-751	Fed. R. Evid. 801-802 Hearsay Not proper exhibit, unless for impeachment
100.	First Amended Complaint in <i>German v. Rhoades, et al.</i> , USDC, Western District of Oklahoma Case No. CIV-19-751	Fed. R. Evid. 801-802 Hearsay Not proper exhibit, unless for impeachment
101.	6/17/2020 Deposition of David Wayne Prater in <i>German v. Rhoades, et al.</i> , USDC, Western District of Oklahoma Case No. CIV-19-751	Fed. R. Evid. 801-802 Hearsay Not proper exhibit, unless for impeachment
102.	09/03/2020 Deposition of Anthony Francis “Chip” Keating, III in <i>German v. Rhoades, et al.</i> , USDC,	Fed. R. Evid. 801-802 Relevance

	Western District of Oklahoma Case No. CIV-19-751	
103.	09/17/2021 Deposition of Rusty Rhoades in <i>German v. Rhoades, et al.</i> , USDC, Western District of Oklahoma Case No. CIV-19-751	Fed. R. Evid. 801-802 Relevance
104.	05/13/2021 Deposition of Michael Harrell in <i>German v. Rhoades, et al.</i> , USDC, Western District of Oklahoma Case No. CIV-19-751	Fed. R. Evid. 801-802 Relevance
105.	4/11/2019 Email from Simpson to Keating re Real ID	Fed. R. Evid. 801-802 Relevance
106.	08/30/2019 Texts between Nelson and Keating re delegated authority	Fed. R. Evid. 801-802 Relevance
107.	Exhibit 10 to Defendant Stitt's Motion for Summary Judgment	Fed. R. Evid. 801-802 Relevance
108.	Exhibit 16 to Defendant Stitt's Motion for Summary Judgment	Fed. R. Evid. 801-802 Relevance
109.	Exhibit 8 to Defendant Stitt's Motion for Summary Judgment	Fed. R. Evid. 801-802 Relevance
110.	Filed of record, as well as Exhibit 11 of Defendant Stitt's Motion for Summary Judgment	Fed. R. Evid. 801-802 Relevance
111.	Filed of record, as well as Exhibit 12 of Defendant Stitt's Motion for Summary Judgment	Fed. R. Evid. 801-802 Relevance
112.	German00001-00124	
113.	German00162-00252	
114.	German00254-00386	
115.	German00565-00607	
116.	Nelson 0043	
117.	Nelson 0209-0214; 0791	

118.	Texts to “Rusty”	
119.	Nelson’s whiteboard notes on Prater call	Fed. R. Evid. 901 Authentication
120.	08/30/2019 Nelson DPS Leadership Issues	
121.	Nelson’s annotations on German Complaints	Fed. R. Evid. 901 Authentication
122.	2/19/2019 Letter from AG Hunter to Rhoades	
123.	8/23/2019 Email from Rhoades to Keating and associated thread	
124.	08/22/2019 emails between Rhoades and Keating re DPS Goals/Metrics	
125.	9/2/2019 Texts between Nelson and Harrell/Simpson	
126.	08/22/2019 Rhoades email to Keating and Nelson re DPS Goals/Metrics	
127.	Shad Withers Bar Disciplinary Proceedings	Fed. R. Evid. 401-402 Relevance Fed. R. Evid. 403 Prejudice Fed. R. Evid. 801-802 Hearsay
128.	09/02/2019 Stitt affidavits that Plaintiffs are unable to effectively lead DPS	Fed. R. Evid. 801-802 Hearsay Not proper exhibit, unless for impeachment
129.	Nelson Call Script	Fed. R. Evid. 901 Authentication
130.	Nelson Checklist	Fed. R. Evid. 901 Authentication
131.	DPS Call Script with Notes of Nelson	Fed. R. Evid. 901 Authentication
132.	Texts to “Chip”	Fed. R. Evid. 901 Authentication
133.	09/02/2019 Texts with Governor’s staff re terminating Plaintiffs	
134.	09/02/2019 Texts to IT to shut of Plaintiffs’ accounts	

135.	"DPS Leadership Concerns" document	
136.	Untitled notes with bullet list	Fed. R. Evid. 901 Authentication
137.	Nelson list - untitled	Fed. R. Evid. 901 Authentication
138.	3/18/2019 Procurement Control Form	Fed. R. Evid. 401-402 Relevance
139.	3/14/2019 Price Quote from Carter Chevrolet	Fed. R. Evid. 401-402 Relevance
140.	8/1/2019 Invoice from National Auto Accessories	Fed. R. Evid. 401-402 Relevance
141.	3/12/2019 Email from Simpson to Barry Ross and associated thread	
142.	04/08/2019 Letter from Keating and associated response	
143.	9/4/2019 Email from Sarah Stewart to Gina Smith and associated thread	
144.	Harrell Application and Pension calculations	
145.	Michael Harrell Pension Payment History	
146.	2019 OLERS Member Handbook	
147.	Rhoades Application and Pension calculations	
148.	Rhoades Pension Payment History	
149.	Deposition exhibits not objected to by Defendants	
150.	Exhibits listed by Plaintiffs and not objected to by Defendants	Not proper exhibit
151.	Plaintiffs' written interrogatory responses or answers to requests for admission	Reserved until produced

152.	Documents received in response to subpoenas and not objected to by Defendants	Reserved until produced
153.	Any demonstrative exhibits	Reserved until produced
154.	Additional documents that Defendants receive or become aware of through discovery, not objected to by Defendants	Reserved until produced
155.	All exhibits identified or produced in discovery or at depositions and not objected to by Defendants	Reserved until produced
156.	To the extent permitted by the Court and applicable rules, any additional exhibits which may be identified as discovery progresses	Reserved until produced

Respectfully submitted,

/s/ Dustin J. Hopson

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CERTIFICATE OF SERVICE

I hereby certify that on February 13, 2023, I transmitted the foregoing document to the Clerk of Court using ECF System for filing and transmittal of a Notice of Electronic Filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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